



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

April 22, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Timothy J. Marcinak
1712 Trotters Lane
Stone Mountain, GA 30087

04-R-0569

Dear Mr. Marcinak:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on April 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

RCS# 5585
4/19/04
3:03 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-18, EXCEPT:04-R-0538
 04-O-0487 04-R-0473
 ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0061

Date: March 16, 2004

Claimant /Victim TIMOTHY J. MARCINAK

BY: (Atty) (Ins. Co.) _____

Address: 1712 Trotters Lane Stone Mountain, Georgia 30339

Subrogation: _____ Claim for Property damage \$ 492.00 Bodily Injury \$ _____

Date of Notice: 01/08/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence 12/18/03 Place: 345 Courtland Street, NE

Department _____ Bureau: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking a recessed manhole at 345 Courtland Street, NE. However, an investigation determined that the manhole is the property of BellSouth. The claimant has been advised to pursue his claim with BellSouth.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

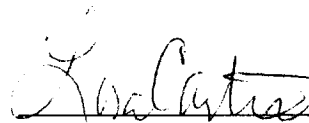
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 03/17/04

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

RE: CLAIM FOR DAMAGES

JAN 08 2004

Today's Date: 1/5/04

Carter
01/28/04
[Signature]

MUNICIPAL C

ENTERED - 2-2-04 - SB
04L0061 - LISA CARTER

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4122.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 12/10/2003
(month/day/year)
2. Police called: X
Yes No
3. Location of incident: 345 COURTLAND ST NE. NEAR INTERSECTION OF COURTLAND ST & CURRIER ST
4. Name of your insurance company: U.S.A.A. Policy No. 1225319
5. State what and how incident occurred: I WAS DRIVING SOUTH ON COURTLAND ST AND HIT THE
EDGE OF A MANHOLE THAT WAS RECESSED ABOUT 3" BELOW THE STREET LEVEL.
THIS RESULTED IN THE DRIVERS' SIDE FRONT WHEEL (RIM) BEING BENT AND WAS NOT
REPAIRABLE, NEEDED TO BE REPLACED.
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
Your vehicle: INFINITI Q20 2002 5340 AEG TIMOTHY J. MARCINAK
(make) (year) (tag number) (driver's name)
City vehicle: _____
(make) (City driver's name) (department/bureau)
8. Witness: _____
(name) (address) (telephone number)
9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

TIMOTHY J. MARCINAK
(claimant's name)

1712 TROTTERS LANE
(address)

STONE MOUNTAIN, GA 30087
(city and state)

04-R-0569

770-458-4535 770-938-5855
(work number) (home number)

Entered - 02/02/04- sb
CL - 04L0061 LISA CARTER

CLAIM OF: TIMOTHY J. MARCINAK
1712 Trotters Lane
Stone Mountain, Georgia 30087

04- *12* -0569

For damages alleged to have been sustained as a result of striking a manhole on December 18, 2003 at 345 Courtland Street.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE 3/30/04

CHAIR [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CERTIFIED
APR 19 2004

COUNCIL PRESIDENT PROTEM

CERTIFIED
APR 19 2004

Paul D. [Signature]
MUNICIPAL CLERK

ADVERSED

APR 19 2004